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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY EF DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Apolinar ROA-Lopez Defendant.	)	Mag. Case No. '08 MJ 8648 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about July 14, 2008, within the Southern District of California, defendant Apolinar ROA-Lopez, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF JULY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Apolinar ROA-Lopez

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent (BPA), Scott Milowski, that the Defendant was found and arrested on July 14, 2008, west of Calexico, California.

BPA Milowski was performing his assigned Border Patrol duties approximately one mile west of Calexico, California. BPA Milowski encountered four individuals, one later identified as Apolinar ROA-Lopez. BPA Milowski identified himself as a Border Patrol Agent and questioned ROA and the other individuals as to their immigration status to be in the United States. BPA Milowski determined through questioning, that ROA was a citizen and national of Mexico with no immigration documents that would allow him to enter into or remain in the United States legally. ROA and the other four individuals were placed under arrest.

Record checks revealed that ordered ROA was deported to Mexico from the United States on January 10, 2007. Record checks also revealed ROA has a criminal record.

There is no evidence ROA has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.